

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ANDREW JOHNSON,

Plaintiff,

vs.

EXPERIAN MARKETING
SOLUTIONS, INC., a Delaware
Corporation,

Defendant.

8:15-CV-0125

ORDER

This matter is before the Court on the parties' statements of position with respect to a briefing schedule on the plaintiff's motion for preliminary injunction (filing 7). Filing 11; filing 12. The Court has considered the parties' positions and is not persuaded that the matter requires the expedited schedule that the plaintiff requests.

The only specific reason identified by the plaintiff as warranting the extremely accelerated briefing schedule that he proposes is that he will be starting with his new employer on May 4, 2015, "at which point Defendant will take the position that he is in breach of the Noncompete Agreements referenced in the Amended Complaint. Thus, Plaintiff requests the matter be resolved before or by that date." Filing 12 at 2. But the Court will not—nor has it been asked to—resolve the *merits* of the plaintiff's declaratory judgment claim before May 4. The plaintiff's motion only asks the Court to enjoin the defendant's efforts to enforce any non-compete agreements—and even if that motion is found to have merit, the defendant will *still* take the position that as of May 4, the plaintiff will be in breach of the non-competition agreements.

In short, the Court is not convinced that the plaintiff's motion for preliminary injunction must be resolved before May 4, 2015. And the procedural posture of this case, and the plaintiff's request for injunctive relief, presents important questions of comity, federalism, and jurisdiction that must be fully addressed by the parties and the Court.

Accordingly, the Court will direct the defendant to respond to the plaintiff's motion for preliminary injunction (filing 7) on or before May 7, 2015. The plaintiff may reply in support of his motion on or before May 18. In doing so, the parties should address the status, and significance, of *Experian*

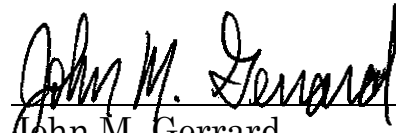
Mktg. Solutions v. Erwin, No. 2015-CH-06247, currently pending before Judge Martin in Cook County, Illinois Circuit Court. In that regard, the parties should also discuss the applicability of any abstention doctrine that might be relevant. See, e.g., *Wilton v. Seven Falls Co.*, 515 U.S. 277 (1995); *Colorado River Water Conservation Dist. v. United States*, 424 U.S. 800 (1976); *Younger v. Harris*, 401 U.S. 37 (1971).

IT IS ORDERED:

1. The defendant may respond to the plaintiff's motion for preliminary injunction (filing 7) on or before May 7, 2015.
2. The plaintiff may reply in support of his motion on or before May 18, 2015.

Dated this 24th day of April, 2015.

BY THE COURT:



John M. Gerrard
United States District Judge